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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,416	02/26/2004	Toshihiro Shima	MIPEP080	5260
25920 7590 12/31/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
NGUYEN, ALLEN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/789,416

Applicant(s)

SHIMA ET AL.

Examiner

Allen H. Nguyen

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 28-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

- This office action is responsive to the following communication:
Amendment filed on 10/30/2008.
- Claims 28-30 are currently pending in the application.

Response to Arguments

1. Applicant's arguments filed 10/30/2008 have been fully considered but they are not persuasive.
2. With respect to applicant's argument that "*Meade* reference does not describe comparing the "amount of money information required for processing the process data" and the "amount of money information held in the holding module," as specified in the presently claimed subject matter. Moreover, with regard to the feature of causing the processing module to execute the process, *Meade's* MFP 24 does not execute any process in exchange for the amount of money information required for the processing, as specified in present claim 28".

In reply: *Meade* '685 does not explicitly show a decision module that, in the event that an amount of money information required for processing the process data is less than an amount of money information held in the holding module causes the processing module to execute the process in exchange for the amount of money information required for the processing.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Kubokura '782. In particular, Kubokura '782 teaches a decision module (Printer control circuit 3, page 6 of MEANS, paragraph [0028], Drawing 1) that, in the event that an amount of money information (i.e., the electric money possession information which is provided with the client terminal 6a; Page 7 of MEANS, paragraph [0029], Drawing 1) required for processing the process data is less than an amount of money information held in the holding module causes the processing module to execute the process (The addition request of electronic money is performed to the client terminal 6a from the print server 1, and control execution of the printing corresponding to the original electronic money possession information and the electronic money added is carried out by the printer control circuit 3; Page 7 of MEANS, paragraph [0028]) in exchange for the amount of money information required for the processing (According to the additional money information added in a printing process, accurately, continuous control of the printing is carried out and in the print server 1, page 7 of MEANS, paragraph [0029], Drawing 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meade, II et al. (US 2003/0137685) in view of Kubokura (JP 2002-082782).

Regarding claim 28, Meade '685 discloses device (Printer 2, Drawing 1) for executing a process in exchange for money information (Usage Info Cost 36, fig. 2), the device comprising:

a holding module (Memory 26, fig. 2) which
receives, from a usage control apparatus (Processing Circuitry 38, fig. 2) connected to the device (i.e., Memory 26 forms a data storage device in which a device data file 40 is collected and stored via processing circuitry 38; Page 3, paragraph [0035]), usage information in an amount for using the device for predetermined amount (i.e., the processing circuitry is implemented to determine consumable usage data at the image forming device; Page 5, paragraph [0057], fig. 3 with step S4) and holds the usage information (i.e., the processing circuitry is implemented to store the consumable usage data in memory of the image forming device; Page 5, paragraph [0058], step S5 of fig. 3);

a receiving module receives process data from the usage control apparatus (i.e., the processing circuitry is implemented to retrieve user, print job and consumable usage data from memory of the image forming device; Page 5, paragraph [0059], step S6 of fig. 3), the process data being subject to the process (retrieve consumable usage data in memory of image forming device S6, fig. 3);

a processing module able to execute the process (i.e., processing circuitry 38 computes accurate cost information; Page 4, paragraph [0039]);

Meade '685 does not explicitly show a decision module that, in the event that an amount of money information required for processing the process data is less than an amount of money information held in the holding module causes the processing module to execute the process in exchange for the amount of money information required for the processing.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Kubokura '782. In particular, Kubokura '782 teaches a decision module (Printer control circuit 3, page 6 of MEANS, paragraph [0028], Drawing 1) that, in the event that an amount of money information (i.e., the electric money possession information which is provided with the client terminal 6a; Page 7 of MEANS, paragraph [0029], Drawing 1) required for processing the process data is less than an amount of money information held in the holding module causes the processing module to execute the process (The addition request of electronic money is performed to the client terminal 6a from the print server 1, and control execution of the printing corresponding to the original electronic money possession information and the electronic money added is carried out by the printer control circuit 3; Page 7 of MEANS, paragraph [0028]) in exchange for the amount of money information required for the processing (According to the additional money information added in a printing process, accurately, continuous control of the printing is carried out and in the print server 1, page 7 of MEANS, paragraph [0029], Drawing 1; in other word, if the system don't have enough money, the

system will ask for more money, and if the system has enough money (i.e. amount of money information required for processing the process data is less than an amount of money information held in the holding module) the system will process the print job.)

In view of the above, having the system of Meade and then given the well-established teaching of Kubokura, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Meade as taught by Kubokura to include: a decision module that, in the event that an amount of money information required for processing the process data is less than an amount of money information held in the holding module causes the processing module to execute the process in exchange for the amount of money information required for the processing, since Kubokura stated in Abstract that such a modification would provide a printing system to surely/efficiently transfer a charge by electronic money and to enable exact control of printing according to the electronic money to be provided by a client, and ensure the vendor got paid.

Regarding claim 29, Meade '685 discloses a device (the hard copy cost recovery system 10, fig. 2), further comprising:

a transmitting module (LAN environment 14, fig. 2) which transmits to the usage control apparatus money information that has been held in the holding module (Device Data File 40, fig. 2) and was deducted money information in an amount required for processing of the process data (i.e., hard-copy cost recovery system 10 is a tracking apparatus for monitoring usage of consumables that is implemented on an image

forming device 12 within a local area network (LAN) environment 14; Page 2, paragraph [0024]).

Regarding claim 30, Meade '685 discloses a device (the hard copy cost recovery system 10, fig. 2), further comprising

an updating module (Client Usage Info 36, fig. 2) which updates the money information by deducting money information in an amount required for processing of the process data from the money information held in the holding module (i.e., the total cost is made available to device 12 in the form of usage information 36. Such usage information 36 can then be associated with user information 34 and print job information 35, within device data file 40; Page 4, paragraph [0039]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fulcher et al. (US 2003/0132288) discloses automated fee collection and parking ticket dispensing machine.

Stefik et al. (US 7,031,471) discloses system for controlling the distribution and use of rendered digital works through watermarking.

Feagins, Jr. et al. (US 4,379,334) discloses electronic parking meter.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/
Examiner, Art Unit 2625